

73-26-302 Construction contingent upon sale or lease of water -- Preconstruction may proceed if funded.

- (1) Except as provided in Subsection (3), the division may not expend money for construction costs on any phase of a project until:
 - (a) contracts have been made for the sale or lease of at least 70% of the water developed by that phase; and
 - (b) all permits required by the environmental impact statement have been obtained.
- (2) Construction of the project and implementation of the environmental mitigation plan shall proceed concurrently.
- (3) The division may make expenditures for preconstruction costs if money is expressly appropriated or earmarked by statute for that purpose by the Legislature.

Amended by Chapter 342, 2011 General Session